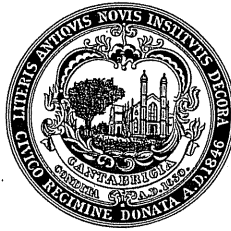


Donald A. Drisdell
City Solicitor

Nancy E. Glowa
Deputy City Solicitor

Arthur J. Goldberg
First Assistant City Solicitor



Assistant City Solicitors

Vali Buland
Paul S. Kawai
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CITY OF CAMBRIDGE

Office of the City Solicitor
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

February 28, 2011

Robert W. Healy
City Manager
City Hall
Cambridge, MA 02139

***Re: Awaiting Report No. 10-187 Re: Appropriateness of Private Meetings
between City Council Members and the Superintendent of Schools without
Informing the School Committee of Such Meetings***

Dear Mr. Healy:

In the above-referenced City Council Order, the City Council asked that the City Solicitor report to them on the appropriateness of City Council members meeting privately with the Superintendent of Schools to discuss school matters without informing the School Committee, and to discuss what limitations might apply to such meetings. As a preliminary matter, I note that I am interpreting the word "appropriateness" in this context to mean "legality."

I cannot comment on the particular meetings referred to in the Order that have occurred. First, no details about such meetings have been provided to me. Second, if particular individuals involved in the meetings have questions about whether their conduct might be governed by the State Conflict of Interest Law (G.L.c.268A) or the Code of Conduct for City Officials and Employees (Cambridge City Code ch.2.117), only those individuals whose actions are involved have the right to seek an opinion from the City Solicitor about those actions. See G.L.c.268A, §22 and Cambridge City Code §2.117.100.

There is no blanket legal prohibition of City Councilors meeting privately with the School Superintendent to discuss school matters without informing the School Committee.

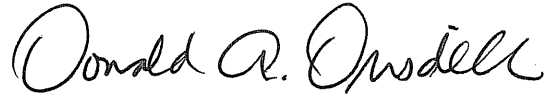
Following are general comments about some limitations that might apply to such meetings:

- a. The Open Meeting Law prohibits a quorum of City Councilors from meeting privately with the Superintendent on any public business within the City Council's jurisdiction. G.L.c.30A, §18 and §20(a).

- b. The State Conflict of Interest Law, at G.L.c.268A, §23(b)(2)(b), provides that no municipal official shall "use or attempt to use such official position to secure for such officer, employee or others unwarranted privileges or exemptions which are of substantial value and which are not properly available to similarly situated individuals."
- c. The State Conflict of Interest Law, at G.L.c.268A, §23(b)(3), provides that an official or employee should not act so that a reasonable person could conclude that official duties can be improperly influenced as a result of "kinship, rank, position, or undue influence." Public disclosure of the facts that might give rise to this appearance is sufficient to dispel this problem.

Please let me know if I can be of further assistance in this matter.

Very truly yours,

A handwritten signature in black ink, reading "Donald A. Drisdell". The signature is written in a cursive, flowing style with a large initial 'D'.

Donald A. Drisdell